

# CONNUTTE ACQUITTED IN 1ST CASE

Boy Goes Back To Jail to Face Trial For Killing Hayhurst

## VERDICT IN QUICK TIME

Strong Arguments Featured Closing Hours of Hard Fought Action.

"Not guilty" was the verdict returned by the jury in the case of Walter Connutte, charged with slaying Fernando Thorn, last evening at 8:35 o'clock after deliberating twenty-two minutes.

At the close of last night's trial Connutte after the court session was returned to the county jail where he will have to await the charge of slaying Harvey Hayhurst, but this case will not be tried before the next term of circuit court.

Connutte's trial began on Monday afternoon of last week. The case was opened at 1:30 o'clock but "a legal point" developed at the outset. Three or four big halts were made in the actual taking of testimony. The first was made on the admissibility which was later ruled out. Later an argument arose as to what could be testified to regarding the information got through Connutte's confessions. Then on Monday afternoon the testimony as to the bloodhounds was argued and heard. Later in the afternoon the case again proceeded and progressed until it was given to the jury last night.

The final arguments were not commenced late yesterday afternoon and Judge Haymond decided to get the case out of the way for the Morgan trial today so he called a night session. Shortly after 7 o'clock Judge Haymond took his place on the bench and Connutte was brought from prison and assumed his customary seat beside his father. It was apparent that the father was very much affected by Major Neely's address and his reference to Connutte as the "poor miner's boy". The father had tears in his eyes and nervously stroked his cheeks with his fingers. Connutte as soon as he came into the court room was rather cheerful and it was apparent that he was unconcerned as he cracked a broad smile. Later his demeanor grew serious as prosecuting attorney Haggerty flayed the guilty parties in the crime.

Beyond the shadow of doubt Prosecuting Attorney made the most sorrowful speech of his career in the prosecuting attorney's office. It was vigorous throughout and comment in the court room generally was laudatory.

At 8:35 o'clock the jury returned a verdict of not guilty, the foreman, Cyrus Hall, of Paw Paw district, turning the document over to sheriff Glover who forwarded it to Circuit Court Clerk William S. Black, who read it aloud.

There was no demonstration. Upon the reception of a favorable verdict Connutte's face lit up and he smiled while his attorneys and others gathered around to shake his hand.

Major M. M. Neely addressed the jury at 7:10 o'clock. He told the jury that their responsibilities were great—saying whether the defendant shall live or die. He commented the county officers upon their zeal in the cases, but he felt that the defendant was not guilty. Major Neely then read the law as to circumstantial evidence and as to its treatment with "care and caution."

Major Neely endeavored to show that Connutte had proved an alibi by the state's own witnesses. Miss Alice Morgan testified Connutte was at home at 9:30 o'clock. Charles Musgrave had testified that the crime was perpetrated between 9:30 and

9:40 o'clock. He said he had often seen the State produce flimsy evidence but never before had the State produced an alibi for the defense. Major Neely claimed that the State had "not a leg to stand on". He asked why the state had not produced some of the shot that penetrated Thorn's body and compare them with the shot that were in the unused shells. The shells offered in evidence were reloaded shells and are dated 1901.

Prosecuting Attorney Walter R. Haggerty made a vigorous address to the jury in which he tore to pieces Major Neely's sympathetic appeals. Evidence connects up Connutte, the prosecuting attorney said and he appealed for a conviction.

Attorney Haggerty then ripped open one of the red papered shells and compared it with the bullet, which undertaker Jones had extracted from the body. He contended that the bullets were the same. He pictured how the accused went to the premises two farms away and shot down an innocent man. Mr. Haggerty referred to sending him home, but added that he should be sent to a reformatory. Then Mr. Haggerty faced Connutte and shouted: "he knows who is the guilty party." "But this boy is just as guilty as he can be of this foul and brutal crime. Give him a chance and send him to the reform school."

Here counsel for the defense said that there is no law for the jury to direct he accused to be sent to a reformatory. Judge Haymond ruled out the reference to the Reformatory School. Prosecuting Attorney Haggerty contended that Connutte knew all about the crime and was guilty of murder. He then attacked the "reasonable doubt" which he said the defense always clings to. In closing Prosecuting Attorney Haggerty said he thought that a verdict of either first degree or second degree murder or voluntary manslaughter would be returned by the jury.

Judge Haymond then gave the jury its final instruction and the case was put in its hands at 8:23 o'clock. Later the jury returned its verdict and was thanked by the court for its faithful services.

Tuesday Afternoon. Judge Haymond began to charge the jury at 9:45 o'clock. He stated that first degree or second degree murder, voluntary manslaughter, involuntary manslaughter and assault and battery were included under the indictments. He instructed the jury as to the sentences of the foregoing charges. Judge Haymond then outlined what was necessary to convict the accused of the charges. If he aided abetted or incited maliciously or willingly aid or incited a crime a verdict of first degree should be returned. It was necessary however to be convinced beyond a doubt. The defendant is presumed to be innocent until the State proves him guilty beyond a reasonable doubt.

Prosecuting Attorney W. R. Haggerty began his address to the jury at 4:05 o'clock. He recalled the crime, which occurred on September 15, and contended that the defendant was surrounded by the evidence and that he either actually fired the shot or was with the party who did.

Try as they may they could not duplicate the shells I have in my hand," said the speaker. There are different colored shells, but those found in the Morgan kitchen were all of the same color.

He asked how Connutte knew which way the shots were fired? How did he know that shots would be fired in the tree if he did not fire the shots? These circumstances he contended must be taken into consideration. He

## SWEETLY SUITED TO SUNNY CLIMES



By BETTY BROWN

NEW YORK, Dec. 19.—By the rosy background and the satin and crepe of the pictured lady's gown one deduces Florida. From the fur on her hat and the feminine knowledge that just such daintiness travels under a fur coat and blooms at many a winty social function, we surmise that, as the program says, "the scene is in New York; time, the present"—and indeed, it is. The skirt of this frock has a refreshing new touch in the two frost "flying panels" of the white panne velvet. They are caught up and buttoned to the front of the tunic, revealing the straight narrow velvet drop skirt. The blouse is of white crepe covered with a vest of the velvet embroidered in silver.

wanted to know how Connutte could tell the sheriff that the shells could be found in the co-defendant's kitchen if he was not connected with the crime. The shells were found there in an empty bag. He contended that 10-gauge shot guns are not common in the co-defendant's community. Attorney Haggerty said he was unable to say that Connutte had any malice, but the motive was "getting after the few hunters". The shells kicked up in the field and those found in the co-defendant's home were very closely related. In closing Prosecuting Attorney Haggerty said "he must be guilty in the second degree." "I have given him the benefit of that in my mind."

Attorney James S. Meredith, counsel for the defense, then addressed the jury. In opening he said even the prosecuting attorney had his doubts that the boy was guilty. He said that Miss Alice Morgan testified that her brother and Connutte were standing in the doorway at 9:30 o'clock in the night in question. He claimed that it took between 25 and 30 minutes to walk from the co-defendant's home to the

point where the shooting occurred. He said Charles Musgrave swore the crime occurred between 9:30 and 9:40 o'clock. Meredith recalled the Sunday after the crime and how Connutte showed Sheriff Glover where the guns were located, indicating that there was nothing suspicious about Connutte's actions. He claimed that the shells were taken under the cupboard by another party other than Connutte and were turned over to the sheriff. It was boy like to put articles under a cupboard. Attorney Meredith claimed that the State acted peculiarly. Failure of the State to present the wads from the shells that had been fired he termed "a design in the destruction of evidence." Attorney Meredith said that the "circumstances against three other parties is 100 times stronger at this time than against this boy" as he pointed to Connutte. Attorney Meredith said he did not specialize in criminal cases and seldom appeared in these circles, but said that when he saw that the state was "trying to railroad him to prison or the gallows" he could do nothing else but defend him, first and last even without a penny's compensation and would have gone down in his own pocket for the funds with which to secure the necessary evidence to acquit him. With a dramatic gesture he pointed his finger at Connutte and exclaimed, "That boy is not guilty." There is absolutely no evidence in any measure or degree to show that he is guilty of the crime.

At the conclusion of Mr. Meredith's address court was adjourned until 7 o'clock.

## EAST SIDE NEWS

Will Arrive Here Sunday.

Robert Toothman, who is employed at Toledo, Ohio, is expected to arrive here Sunday to spend Christmas with his parents, Mr. and Mrs. D. W. Toothman, in Reeves avenue.

Celebrated Birthday.

Mr. and Mrs. Lawrence Garlow and Mr. and Mrs. Lloyd Garlow of Cochran street, have returned from Mt. Nebo, where they attended a dinner which was given on Sunday in honor of their father, Ephraim Garlow's, anniversary. The dinner was given at the Garlow home.

Betsy Ross Club.

The Betsy Ross Club will meet at the home of Mrs. Gay Sanders at 239 View street on Thursday evening at 7:30 o'clock. Members take Locust avenue cars and get off at Green street.

Receive Letter.

A letter written the Betsy Ross club by Mrs. Richmond, wife of Rev. Richmond, who has been very ill at the home of her brother in Buchanan, states that she is improving very rapidly at this time. As Mrs. Richmond was an active member of the club during her stay in Fairmont, the ladies are very glad indeed to hear of

## IT'S OVER THE TOP AND STILL A-GOING!



**BREAKING RECORDS IN VOLUME AND VALUE-GIVING**  
THE WONDERFUL OFFERINGS OF THIS SALE HAS CROWDED OUR STORE DAILY WITH SHOPPERS. WHEN YOU STOP AND CONSIDER THE INCREASED COST OF RAW MATERIAL AND LABOR, IT WILL NOT TAKE YOU LONG TO REALIZE THE POSSIBILITIES FOR BIG SAVINGS THAT THIS SALE AFFORDS YOU NOW. JOIN THE PROCESSION OF BARGAIN-SEEKERS GOING "UNDERSELLINGWARD."

**BLUMBERG BROS CO.**  
**UNDERSELLING STORE**  
MAIN ST. OPPOSITE COURTHOUSE  
FAIRMONT, W. VA.  
ORIGINATORS AND LEADERS OF LOW PRICES IN FAIRMONT.

her recovery.

Assisting in Store.

Miss Catherine Cox and Mrs. Carl Yost are assisting in Anderson's Bon Ton store during the Christmas rush.

Home Friday.

Miss Alta Reeves, who is attending the W. V. U., will come home Friday for the Christmas holidays.

East Side Schools Give Program.

The East Side schools will close for the Christmas holidays on Friday. On Friday afternoon each grade will give a Christmas program, to which the patrons of the school are invited. The work both in the grades and in the High school has been progressing very nicely and Supt. Husted and his able corps of teachers would be pleased to have as many parents as possible attend the special programs on Friday afternoon. Work will be resumed again January 7.

Personals.

Dr. Cyrus Boyers Jr. and son Fred, of Triune, were business visitors in the city yesterday.

Laban White, who accompanied Mrs. White and children here the lat-

ter part of the week, has returned to his home. Mrs. White will spend a few weeks with relatives before her return.

Mrs. George Cox has gone to Parkersburg to visit her daughter, Mrs. James Riddle, and family for a few weeks.

**J. O. Watson Class**  
**Will Meet Tonight**

All members of the J. O. Watson class of the High school will meet in the ball room of The Fairmont this evening at 7 o'clock to complete plans for the campaign to sell Thrift stamps which will begin immediately and will continue through the year 1918.

It is the present plan to make Saturday, December 22 the big day for selling the stamps, and for selling the class publication, Marion County in the Making.

The two teams, the "Reds" and the "Greys" have been divided, committees have been appointed from each team to assist in the campaign. The purpose of the meeting this evening will be to organize the two teams, to announce the campaign plans to the class, and to arouse a little competition.

## A New Discovery for ECZEMA

PHYSICIANS ARE AMAZED AT QUICK RESULTS OBTAINED BY NON-GREASY NOX-ZEMA.

Patients are delighted because it stops the itching and fiery pain immediately and does not soil the clothing. It is already in use at several institutions and hospitals in Baltimore, and it has worked its way in thousands of homes by an endless chain of recommendations from people who have used it not only for eczema, but also as a general skin cream.

Dr. R. P. Collins says: "You certainly ought to make a success of Noxzema because it beats anything I have ever used for skin troubles." 25c and 50c jars at Holt Drug Co. or sent post-paid by Noxzema Chemical Co., 1817 N. Charles St., Baltimore, Md.

## Xmas Gifts

When the problem of something to give "Him" for Christmas confronts you, as it always does at this season of the year, turn to Iseman's for relief.

Every line of goods we carry offers a suggestion for a Man's Christmas. You can't go wrong here! Look over this list and see if you do not strike something that you know will be—

## "Just the Thing"

SUITS  
OVERCOATS  
RAINCOATS  
AUTO COATS  
FANCY VESTS  
NECKWEAR  
GLOVES  
SUSPENDERS  
NIGHT ROBES  
PAJAMAS  
HOSIERY  
HOUSE COATS  
BATH ROBES

SHIRTS  
SWEATERS  
UNDERWEAR  
SHOES  
UMBRELLAS  
CANES  
HATS or CAPS  
SMOKING JACKETS  
SMOKING SETS  
TOILET CASES  
BAGS AND SUIT CASES  
HOUSE SLIPPERS  
TIE HOLDERS  
MILITARY BRUSHES

• We would just "hint" that you make your selections early, while the picking is at its best. We'll assist you in every way we can, and will make any exchanges you desire after Christmas.

## Sam B. Iseman

Leading Hatter, Clothier and Furnisher.

## Banish Gray Hair!

Don't look old and gray—don't fall behind in Life's procession. Bring back a natural, even color to your hair in a perfectly healthful, simple way by using guaranteed Q-Ban Hair Color Restorer.

You ought to have beautiful hair; dark, lustrous and silky. Q-Ban is all ready to use—money back if not satisfied. Sold by Martin's Drug Store and all good drug stores, 75c per large bottle. Try Q-Ban Hair Tonic; Liquid Shampoo; Soap. Also Q-Ban Depilatory.

**Q-Ban**  
Hair Color Restorer

## Music the Spirit of Christmas

Christmas day is a day for great rejoicing—without music the day would seem to lack something. And this Christmas Santa's first thought is to bring music into the homes of the American people. Music—a war-time necessity; we economize in food and other essentials but we must be generous with music. In time of peace music is the joy of nations, in time of war it is the solace for aching hearts.

**Our Store Offers Unlimited Opportunity to Purchase a Piano, Player-Piano or Talking Machine.**

It is so extremely easy to have music in the home, just a little planning, just a little resolution is all you need. Money oftentimes wasted each week for the unimportant, unnecessary things would be all that is needed to secure for you the finest instrument that you might select. In fact, most instruments are bought upon the small, easy payment plan, and the payments are made so easy that the instrument is yours with no real inconvenience whatever. Your home and your life are decidedly incomplete without music. The acquisition of a piano, player-piano or talking machine is often the difference between a household disrupted and a happy home circle.

**Remember—That Piano You Are Planning to Get This Christmas is Going to be a Permanent Possession.**

Make it the finest you can buy. Our stock consists of the best known makes of instruments. Here we offer you a wide range of choice—necessary in buying a piano or player-piano. One thing you can be certain of—we carry only makes of reputable manufacturers—every instrument an invariable masterpiece.

**Make Your Selection From These Noble Instruments**

Steinway, Knabe, Hardman, Krakauer, Estey, Ludwig, Matchless, Milton and Posner. Don't hesitate about buying simply because you do not have the full amount to pay—our convenient payment plan is in force for those who desire to take advantage of it.

The Best Place  
to buy your  
Piano or  
Talking Machine

**Davis, Burkham & Tyler Co.**  
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